

HOUSE BILL 1331

By Jones S

AN ACT to amend Tennessee Code Annotated, Title 4 and Title 37, relative to department of children's services investigations.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 37, Chapter 5, Part 1, is amended by adding the following as a new, appropriately designated section:

(a) Notwithstanding any provision of this title to the contrary, any investigation into the department of children's services which was prior to July 1, 2011, conducted by the department, including but not limited to investigations into allegations of misconduct by the department or employees of the department, shall be conducted by the Tennessee bureau of investigation (TBI). During such investigations, the department shall fully cooperate with the TBI.

(b)

(1) For purposes of investigation, the TBI shall be permitted access to the department of children's services' records; provided, that any information contained in any record of the department, or records relating to the investigation of the department by the TBI shall be confidential and shall be released:

(A) Only in the proceedings concerning any allegations of misconduct by the department or employees of the department;

(B) As otherwise permitted by the restrictions and conditions for the release of confidential records of the department of children's services pursuant to title 4 and chapter 1, part 4 or 6 of this title; or

(C) As otherwise permitted by the department of children's services' regulations concerning procedures for release of information of validated perpetrators of child abuse.

(2) Notwithstanding any other law to the contrary, including any provisions related to expunction of records under title 40, the limited release of confidential records pursuant to subdivision (b)(1) shall not alter the confidential character of such records, which shall be maintained, as necessary, to protect children.

(c) For purposes of this subsection (c), the rules of the department of children's services concerning release procedures for due process purposes shall apply to the release procedures of the TBI regarding perpetrators of child abuse validated by the department of children's services. Nothing in this section shall be construed to permit the release of the name or identifying information of any person reporting child abuse or neglect under chapter 1, part 4 or 6 of this title.

SECTION 2. This act shall take effect July 1, 2011, the public welfare requiring it.